



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 18, 2020

By ECF

Hon. Lorna G. Schofield
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Black v. Decker et al.*, No. 20 Civ. 3055 (LGS)

Dear Judge Schofield:

This Office represents the government in the in the above-referenced action brought pursuant to 28 U.S.C. § 2241, in which the petitioner, who is currently detained at Orange County Jail (“OCJ”), challenges his continued detention. ECF No. 15 (the “amended petition”). I write respectfully to request a one-day extension of the government’s time to respond to the amended petition and leave to file an enlarged opposition brief and an enlarged supporting exhibit.

Specifically, I request that the government’s time to respond to the amended petition be extended from Friday, June 19, 2020, until Monday, June 22, 2020. The additional time is needed to permit this Office to obtain information necessary to respond to the amended petition, and in light of to the undersigned’s work constraints, including eight additional briefing deadlines this month. This is the government’s first request for an extension in this case.

I also seek leave to file an enlarged opposition brief of up to 35 pages. The amended petition comprises 30 pages and 16 exhibits. Although the government already addressed the petitioner’s arguments regarding the constitutionality of his detention during the COVID-19 pandemic in responding to the petition on May 26, 2020, *see* ECF Nos. 5, 12, the government will need to re-address those claims, as well as additional claims added to the amended petition, in responding to the amended petition.

Finally, I seek the Court’s permission to file a supporting exhibit comprising no more than 115 pages of medical records from OCJ relating to the petitioner’s medical treatment at OCJ. This exhibit is necessary for the government’s defense in this case because the petitioner has sought relief from detention partially on the basis of uncorroborated allegations that he has a serious heart condition and that OCJ’s medical staff has been “unable to help him” with his condition due to “limited resources.” *See* Am. Pet. ¶¶ 12, 24, 41. The proposed exhibit provides factual information regarding the petitioner’s medical condition and the treatment he has received at OCJ, both of which are central to the petitioner’s claims.

I e-mailed the petitioner’s counsel last night and called him and left voicemails this morning on his office and mobile telephone numbers, in efforts seek the petitioner’s consent to the above requests, but I have not yet heard back. I have filed this letter now given the time sensitive

nature of the requests, and I will update the Court to the extent I receive a response from the petitioner's counsel regarding his consent.

We thank the Court for its consideration of this letter.

Respectfully,

GEOFFREY S. BERMAN
United States Attorney

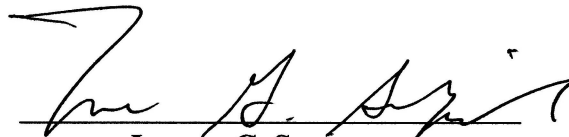
/s/ Mary Ellen Brennan
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cc: Mitchell Laird (via ECF)

Application GRANTED IN PART. The Government shall file any memorandum of law in opposition by June 22, 2020, not to exceed thirty (30) pages. The application to file the 115-page medical record is granted. Any such record shall be filed under seal.

Petitioner shall file any reply in support of his Petition by July 2, 2020, not to exceed fifteen (15) pages.

Dated: June 18, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE